



United States Mission to the OSCE

Further Response to Belarus about the Importance of an Independent Judiciary

As delivered by Ambassador Ian Kelly
to the Permanent Council, Vienna
May 20, 2010

I just like to follow up on an exchange we had last week prompted by our intervention regarding the sentencing of three political figures in Belarus; the response of our Belarus colleague to our statement seem to call into question the presence of diplomats at legal proceedings, and seem to suggest that it is not their place to comment on those proceedings. I'd just like to comment to say for the record that it is long-standing, traditional practice, recognized in Article Three of the Vienna Convention on Diplomatic Relations, for officials from diplomatic missions to be able to witness public events in the host country, and this, of course, would include court proceedings.

We would also like to draw attention to the commitment made by Participating States in 1990 at the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, which decided to accept as a confidence-building measure the presence of observers sent by participating States and representatives of non-governmental organizations and other interested persons at proceedings before courts as provided for in national legislation and international law.

We also understood that Belarus was uncomfortable with resulting public comment by diplomats who attend legal proceedings. While it is not a regular practice for us to publicize our observations of another country's legal proceedings, neither can we accept any limitations on the freedom to comment on or evaluate such proceedings when it may be warranted.

Thank you, Mr. Chairman.